

Message Text

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ACTION DHA-02

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C O N F I D E N T I A L SECTION 1 OF 2 SANTIAGO 2655

E.O. 11652: GDS
TAGS: SHUM PINT CI
SUBJECT: CHILEAN MISSING PERSONS: A SCORECARD

REF: A) GENEVA 1742, B) GENEVA 1695

1. SUMMARY: NOW THAT MOST OTHER GROSS VIOLATIONS OF HUMAN RIGHTS IN CHILE HAVE TAPERED OFF, ATTENTION CENTERS ON THE FATE OF THE "DISAPPEARED." THE SITUATION REGARDING CHILEANS MISSING UNDER MYSTERIOUS CIRCUMSTANCES HAS BEEN COMPLICATED BY THE MANY LISTS BANDIED ABOUT AND THE SEVERAL LEGAL PROCEEDINGS UNDER WAY IN CHILE. THIS MESSAGE PROVIDES A CHECK-LIST AND SUMMARY OF EMBASSY REPORTING OF THESE LISTS AND LEGAL CASES. WE DOUBT THAT THE GOC WILL EVER BE ABLE TO CLEAR UP HUNDREDS OF DISAPPEARANCES IN A SATISFACTORY WAY. ACCORDINGLY, SOME OF THE OPTIMISIM COMING FROM THE ICRC AND CHILEAN REPRESENTATIVES IN GENEVA (REFS A AND B) MAY BE PREMATURE. ON THE POSITIVE SIDE, HOWEVER, NOT ONE PERSON HAS BEEN REPORTED MISSING UNDER MYSTERIOUS CIRCUMSTANCES SO FAR IN 1977. END SUMMARY.

2. HOW MANY? AMNESTY INTERNATIONAL HAS JUST ANNOUNCED PUBLICATION OF A LIST OF 1500 PERSONS MISSING SINCE THE
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COUP. HOWEVER, MOST AGENCIES WORKING IN CHILE SET THE NUMBER BETWEEN 400-900. MORE THAN ONE HUNDRED PERSONS DISAPPEARED DURING 1976; NONE, SO FAR, IN 1977.

3. THE LISTS OF MISSING:

-- AMNESTY INTERNATIONAL - 1500: RELEASED MARCH 16, 1977

AND PROBABLY COMPILED LARGELY ON THE BASIS OF VICARIATE OF SOLIDARITY REPORTS AND REPORTS FROM CHILEAN EXILES (EMBASSY HAS NOT YET SEEN).

-- INTERNATIONAL RED CROSS - 893; (76 SANTIAGO 11773) REPORTEDLY GIVEN PRESIDENT PINOCHET BY ICRC PRESIDENT HAY IN DECEMBER 1976, BASED LARGELY ON INFORMATION PROVIDED ICRC SANTIAGO BY RELATIVES (NOT IN EMBASSY'S POSSESSION).

-- VICARIATE OF SOLIDARITY - 800 PLUS: (PROTECT - GLEANED FROM VICARIATE SOURCES, CLOSELY HELD), A PAGE-PER-PERSON COMPILATION FROM VICARIATE FILES, REPORTEDLY DELIVERED TO THE OAS IN MARCH 1977, WITH ANOTHER COPY PERHAPS TO BE SENT TO THE UNHRC IN THE NEAR FUTURE (SEE PARA 3 SANTIAGO 1972, DOCUMENT NOT IN EMBASSY'S POSSESSION).

-- RELATIVES' 501 PETITION: (SANTIAGO 1972) SUBMITTED TO THE SUPREME COURT PRESIDENT IN MARCH 1977 (EMBASSY HAS COPY).

-- VICARIATE OF SOLIDARITY - 415: (SANTIAGO 0921) BEST FOUNDED, AN AMENDED VERSION OF ITS LIST OF 383 FIRST SUBMITTED TO THE GOC INFORMALLY IN JULY 1976, AND TO THE SUPREME COURT IN AUGUST 1976. ALSO KNOWN AS THE 5-VOLUME STUDY. (EMBASSY AND DEPARTMENT HAVE COPIES).

-- THE 119: (SANTIAGO 1972, PARA 5) NAMES APPEARING IN OBSCURE BRAZILIAN AND ARGENTINE PUBLICATIONS IN MID-1975
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AS VICTIMS OF INTERNECINE BATTLES AMONG TERRORISTS OR OF ENGAGEMENTS WITH ARGENTINE SECURITY FORCES, GENERALLY BELIEVED TO HAVE BEEN PLANTED BY GOC SECURITY AGENCIES.

4. IN GENERAL, THE SHORTER THE LIST THE MORE SOLIDLY DOCUMENTED IT IS. FOR EXAMPPLE, NOT ONE OF THOSE NAMED AMONG THE 119 HAS EVER APPEARED ALIVE; THE GOC ALLEGES THAT ONE PERSON ON THE VICARIATE'S 415 IS LIVING IN CHILE (ALTHOUGH SERGIO ALEJANDRO RIFFO RAMOS HAS NOT YET BEEN PRODUCED IN PUBLIC), AND THE GOVERNMENT STATES THAT NESTOR DEL CARME BRAVO FERNANDEZ, LISTED IN THE RELATIVES' 501 PETITION, LIVES IN MENDOZA (MAKING TWO ALLEGEDLY FOUND ON THE 501 LIST).

5. GOC LISTS:

-- THE ONE HUNDRED: (PROTECT - INFORMATION GIVEN IN CONFIDENCE BY ICRC LOCAL REPRESENTATIVE), THE GOC'S PRELIMINARY RESPONSE TO ICRC 893 LIST, REQUESTS FURTHER IDENTIFYING INFORMATION ON 65 NAMES, AND CLAIMS TO HAVE

ACCOUNTED FOR 40 OTHERS (33 IN CHILE, SOME ABROAD, AND A FEW DEAD OF NATURAL CAUSES).

-- THE FIFTY-NINE: THE GOC'S PRESENTATION TO THE UNHRC AD HOC WORKING GROUP OF PEOPLE THE GOC SAYS ARE ALIVE AND LIVING EITHER IN CHILE OR ABROAD, WHOSE NAMES WERE ON UNIDENTIFIED LISTS OF THE MISSING - RIFFO AND BRAVO (ABOVE) ARE AMONG THESE.

6. THE LEGAL SCENE: THE FOLLOWING LEGAL ACTIONS RELATING TO DISAPPEARANCES ARE KNOWN TO BE PENDING BEFORE THE CHILEAN JUDICIARY:

-- THE SUPREME COURT HAS YET TO DECIDE WHETHER TO COME-PLY WITH THE 501 PETITION REQUEST THAT IT TRANSMIT THE NAMES TO THE GOC AND ASK THE PRESIDENT TO MAKE PUBLIC THE RESULTS OF PREVIOUS INVESTIGATIONS HE HAD SAID WOULD BE CONFIDENTIAL

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UNDERTAKEN;

-- THE SUPREME COURT HAS YET TO DECIDE ON AN APPEALS COURT RECOMMENDATION THAT IT REQUEST THE PRESIDENT TO TAKE WHATEVER MEASURES ARE NECESSARY TO PRODUCE CARLOS CONTRERAS MAULE (SANTIAGO 1334);

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INFO USMISSION GENEVA
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C O N F I D E N T I A L SECTION 2 OF 2 SANTIAGO 2655

-- THE SPECIAL INVESTIGATION INTO THE DEATH OF MARTA UGARTE, THE COMMUNIST PARTY LEADER WHOSE TORTURED REMAINS WERE FOUND IN MID-SEPTEMBER 1976 REMAINS OPEN (76 SANTIAGO 9894);

-- A SPECIAL INVESTIGATING JUDGE CONTINUES TO LOOK INTO CIRCUMSTANCES SURROUNDING THE DISAPPEARANCE OF EIGHT PEOPLE IN JANUARY 1975;

-- ANOTHER SPECIAL INVESTIGATING JUDGE HAS RECEIVED SEALED INSTRUCTIONS TO PROCEED WITH HIS INVESTIGATION INTO THE FATE OF 10 PERSONS MISSING SINCE MID DECEMBER 1976 (SANTIAGO 1689) -- (ON MARCH 21 THE COURT INCLUDED COMMUNIST LEADERS FERNANDO ORTIZ AND ULISES PIZARRO WITH THE EIGHT ALREADY IN THE CASE).

-- THE SUPREME COURT IS CONSIDERING A HAVEAS CORPUS PROCEEDING REGARDING THE DISAPPEARANCE OF MARIA GALINDO IN AUGUST 1976. IT HAS ASKED PRESIDENT PINOCHET TO GET A STRAIGHT ANSWER FROM THE MINISTRY OF INTERIOR (SANTIAGO 1774), AND THE CASE REMAINS OPEN.

7. COMMENT: VICARIATE AND ICRC SOURCES TELL US THAT THEY CONFIDENTIAL

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HAVE MADE A GOOD FAITH EFFORT TO VERIFY THE DISAPPEARANCES AND WEED OUT SPURIOUS CASES AND THOSE WHERE DECEIT IS SUSPECTED. THEIR NUMBERS ARE MOST LIKELY OF ALL TO BE ACCURATE. BOTH POINT OUT THAT PEOPLE ARE EAGER TO REPORT A DISAPPEARANCE BUT SOMETIMES FORGET TO REPORT A REAPPEARANCE. THUS WE WOULD NOT BE SURPRISED IF THE GOC COULD LOCATE AND PRODUCE A SMALL NUMBER OF THOSE NAMED ON THE LONGER COMPILATIONS. WHAT WOULD BE HELPFUL, OF COURSE, IS A FULL FLEDGED INVESTIGATION INTO THOSE CASES WHERE PERSONS ARE SAID TO HAVE CROSSED THE FRONTIER. IN THE CASE OF MUNOZ AND ZAMORANO, TWO COMMUNISTS WHO SUPPOSEDLY FLEW TO ARGENTINA IN MID-MAY, IT SHOULD BE POSSIBLE TO OBTAIN DETAILED FLIGHT INFORMATION FROM THE CHILEANS AND CHECK IT AGAINST ARRIVALS AND TRANSITS IN ARGENTINA (SANTIAGO 0834). AND THE ARGENTINES COULD UNDERTAKE A SERIOUS SEARCH TO LOCATE VEHICLES SUPPOSEDLY USED BY THOSE TRAVELLING OVERLAND IN LATE DECEMBER 1976 AND JANUARY 1977 (SANTIAGO 1351).

8. THE REALITY IS THAT THE GOC HAS HAD VIRTUALLY NO SUCCESS IN LOCATING AND PRODUCING PEOPLE NAMED ON THE BEST VETTED LISTS. FOR EXAMPLE, THE LOCAL PRESS CARRIED A STORY (WITH PHOTOS), CLEARLY INSPIRED BY THE GOC, ABOUT LOCATING ONE JOSE ERASMO

LEIVA AGUAYO WHO, IT WAS SAID, WAS ON THE LIST OF
THE MISSING 501. THERE IS NO ONE BY THAT NAME ON
EITHER THE VICARIATE'S 415 OR THE 501 PETITION.
OUR JUDGEMENT IS THAT WHILE SOME OF THE "MISSING"
ARE UNDERGROUND IN CHILE, OR FLED THE COUNTRY
CLANDESTINELY, OR ARE STILL HELD BY THE SECURITY
SERVICES, MOST OF THE "MISSING" ARE DEAD.
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